

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

DION A. BECKER,

Plaintiff,

v.

No. CV 13-1196 KG/RHS

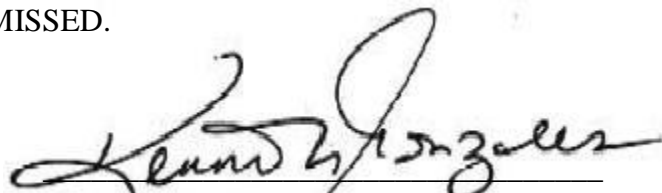
BENNE J. BAUR, ESQ., et al.,

Defendants.

**ORDER OF DISMISSAL**

This matter is before the Court on Plaintiff's Motion to Dismiss (Doc. 15). No party has served "either an answer or a motion for summary judgment," Fed. R. Civ. P. 41(a)(1)(A)(i), and thus Plaintiff may dismiss his complaint without an order, *see* Fed. R. Civ. P. 41(a)(1)(A). "Once the notice of dismissal has been filed, the district court loses jurisdiction over the dismissed claims and may not address the merits of such claims or issue further orders pertaining to them." *Duke Energy Trading & Mktg., L.L.C. v. Davis*, 267 F.3d 1042, 1049 (9th Cir. 2001), *quoted in Janssen v. Harris*, 321 F.3d 998, 1000 (10th Cir. 2003). Under Rule 41(a)(1)(B), the dismissal of Plaintiff's complaint is without prejudice.

IT IS THEREFORE ORDERED that Plaintiff's Motion to Dismiss (Doc. 15) is GRANTED, Plaintiff's complaint is DISMISSED without prejudice, other pending motions are DENIED as moot, and this action is DISMISSED.

  
UNITED STATES DISTRICT JUDGE